

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DEXTER CARL JONES,

Petitioner,

v.

Case No. 4:24-cv-11342
Honorable F. Kay Behm

MATT MACAULEY,

Respondent.

/

**OPINION AND ORDER DENYING THE APPLICATION
TO PROCEED *IN FORMA PAUPERIS*, DISMISSING
THE PETITION FOR A WRIT OF HABEAS CORPUS,
AND DENYING A CERTIFICATE OF APPEALABILITY**

Michigan prisoner Dexter Carl Jones (“Petitioner”) submitted a *pro se* petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 and an application to proceed *in forma pauperis* (IFP). In his IFP application, Petitioner avers that he has \$ 63.30 in his checking or savings account. ECF No. 2. The Court concludes from the financial information provided by Petitioner that he has not established indigence and that he can pay the \$5.00 filing fee for this action. Accordingly, the Court **DENIES** the application to proceed *in forma pauperis* and **DISMISSES WITHOUT PREJUDICE** the petition for a writ of habeas corpus. The Court is required to dismiss the case because the allegation of poverty is

untrue. 28 U.S.C. § 1915(e)(2)(A). Petitioner may submit a new habeas petition with payment of the filing fee in a new case. This case will not be reopened.

Before Petitioner may appeal this decision, a certificate of appealability must issue. 28 U.S.C. § 2253(c)(1)(a); Fed. R. App. P. 22(b). A certificate of appealability may issue only if the petitioner makes “a substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c)(2). When a court denies relief on the merits, the substantial showing threshold is met if the petitioner demonstrates that reasonable jurists would find the court’s assessment of the constitutional claim debatable or wrong. *Slack v. McDaniel*, 529 U.S. 473, 484-85 (2000). When a court denies relief on procedural grounds, a certificate of appealability should issue if it is shown that jurists of reason would find it debatable whether the petitioner states a valid claim of the denial of a constitutional right and that jurists of reason would find it debatable whether the court was correct in its procedural ruling. *Id.* Jurists of reason would not find the Court’s procedural ruling debatable. Accordingly, the Court **DENIES** a certificate of appealability. This case is closed.

SO ORDERED.

Dated: May 29, 2024

/s/F. Kay Behm _____
F. KAY BEHM
United States District Judge